

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 7, 2009

DIVISION ONE

B206814 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 D.H.

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B206983 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 R.R.

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B208112 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 T.H.

The order terminating parental rights is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B205040 Richard M. Burk (Not for Publication)
 v.
 City of Arcadia

The trial court correctly granted the motion to strike the second and fourth causes of action and its judgment is affirmed. Respondent is to have its costs and fees on appeal.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B204479 City of Los Angeles (Not for Publication)
 v.
 Workers Compensation Appeals Board

The WCAB's decision is affirmed in part and annulled in part. The matter is remanded to determine apportionment of the increased knee disability by the degenerative disease of the knees that existed after the joint findings and award and for further proceedings consistent with this opinion. The parties shall bear their own costs.

Mallano, P.J.

We concur: Rothschild, J.
 Weisberg, J. (Assigned)

B207387 Kimberly Iden (Not for Publication)
 v.
 Mondrian Hotel - Los Angeles

The summary judgment in favor of the hotel is reversed. Costs of appeal are awarded to Iden.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

January 7, 2009 (Continued)

DIVISION ONE (continued)

[illegible]

The judgment is reversed. Clark shall recover her costs of appeal.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B201883 People v. Lopez (Not for Publication)

The judgment is modified to reflect 159 days of presentence custody credits. In all other respects, the judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B203911 Gunther (Not for Publication)
v.
Gunther

The judgment is reversed. Bradley is awarded his costs on appeal.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

January 7, 2009 (Continued)

DIVISION TWO

B205215 McDade (Not for Publication)
 v.
 Ash

The judgment is affirmed. McDade shall recover her costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B196543 People (Not for Publication)
 v.
 Lyles

The order appealed from is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B206505 Constance Callan
B211059 v.
B213076 CRC Insurance Services Inc

Filed order consolidating above captioned appeals.

January 7, 2009 (Continued)

DIVISION FOUR

B204987 Exxon Mobil Corporation (Certified for Publication)

V.

Office of Environmental Health Hazard Assessment et al.

The order denying appellant Exxon-Mobil Corporation's petition for writ of mandate is affirmed. Respondents shall recover costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.

Willhite, J.

DIVISION FIVE

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B205369 People v. Vaughan

B208488 In re M. M.

Argument waived, cause submitted.

B205608 Theresa Ocegüera

V.

David Cohen

Merits:

Argued by Jonathan Gabriel for appellants and by Julian Capata for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:20 a.m.

Present: Turner, P.J., Armstrong, J., Flier, J. (Assigned) and J. Belcher, Deputy Clerk.

DIVISION FIVE (continued)

B205608 Justin Ringgold-Lockhart
 v.
 Myer Sankary et al

Merits:
Argued by Nina Ringgold for appellants and by Andrea Lynn Rice and
Mary Felicia-Apanius for respondents. Cause submitted.

Court recessed.

Court reconvened at 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B202469 County of Los Angeles v. Fairmont Specialty Group
B205358 People v. Krasnow

Argument waived, cause submitted.

B207979 People
 v.
 Rolando Sardinias

Merits:
Argued by Alex Coolman for appellant and by Eric Kohm, deputy attorney
general, for respondent. Cause submitted.

B207220 People
 v.
 Roberto Cordova

Merits:
Argued by Linda Gordon for appellant and by David Zarmi, deputy
attorney general, for respondent. Cause submitted.

January 7, 2009 (Continued)

DIVISION FIVE (continued)

B203000 Rose Olivas
 v.
 City of Los Angeles

Merits:

Argued by John Moriarity for appellant and by Janet Bogigian, deputy city attorney for respondent. Cause submitted.

B204342 William Rhode et al
 v.
 Fleetwood Motor Homes et al

Merits:

Argued by Michael Humphries for appellants and by Douglas Collodel and Thomas Murphy for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

B201868 Cynthia Beck
 v.
 Old Republic National Title Insurance Co.

Merits:

Argued by Sharon Arkin for appellant and by Edith Matthai and Marc Rohatiner for respondents. Cause submitted.

Court adjourned.

DIVISION SIX

B204668 People (Not for Publication)
v.
Lane

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B198095 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B206957 Citizens for Planning Responsibly, et al.
v.
County of San Luis Obispo
San Luis Obispo Marketplace Associates, et al.

B212254 Citizens for Planning Responsibly,
v.
County of San Luis Obispo
San Luis Obispo Marketplace Associates, et al.

Filed order consolidating above captioned appeals.

DIVISION SEVEN

B204869 Miller

v.

City of Los Angeles et al.,

Filed order certifying opinion for publication.

DIVISION EIGHT

B208923 Moises Galindo (Certified for Publication)

v.

Superior Court, Los Angeles County

(City of Los Angeles Police Department et al.,, r.p.i.)

The petition for writ of mandate directing the superior court to grant petitioner Moises Galindo's motion for Pitchess material is denied.

Rubin, J.

We concur: Cooper, P.J.

Flier, J.

B195856 Claire Levine (Not for Publication)

v.

Friedman & Friedman et al.,

For the reasons set forth above, the judgment is affirmed. Respondents shall recover their costs on appeal.

Rubin, Acting P.J.

We concur: Flier, J.

Bigelow, J.

DIVISION EIGHT (continued)

B192743 People (Certified for Publication)
v.
Arthur Crabtree

Appellant's sentence is reversed with respect to: (1) the convictions on counts 3, 6, and 9; (2) the trial court's failure to impose an appropriate sentence on count 9 and then stay execution of that sentence; and (3) the court's failure to impose a \$20.00 court security fee on each of the eight convictions, in the aggregate amount of \$160.00. The matter is remanded with directions to conduct further proceedings consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect the judgment as corrected.

Cooper, P.J.

I concur: Flier, J.
I concur: Rubin, J. (Opinion)

B195218 Lorena Rojas et al., (Not for Publication)
v.
Edgar Akopyan et al.,

The judgment, including the orders granting a new trial on the amount of Rojas's damages for Gateway's bad faith and for punitive damages, is affirmed. Cross-Appellants to recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B199624 People (Not for Publication)
v.
Jackson, et al.

Affirmed in part, reversed in part, and remanded in accordance with the views expressed herein.

Flier, J.

I concur: Cooper, P.J.
I dissent: Bigelow, J. (Opinion)

B200923 People (Not for Publication)
v.
Olivier

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.

B200439 People (Not for Publication)
v.
Guy

The conviction for petty theft with a prior on count 3 is reversed; the judgment is modified to reflect presentence custody credits of 241 days compromised of 161 days of actual time plus 80 days of good conduct credit. As so modified, the judgment is affirmed. The superior court is ordered to prepare an amended abstract of judgment and transmit it to the Department of Corrections.

Rubin, J.

We concur: Cooper, P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B194333 People (Not for Publication)
v.
Marc Lance Neuffer

Based on our review of the record and the applicable law, in B194333, we modify the judgment to reflect appellant's sentence on count 2 is stayed and a \$20 court security fee as to each of appellant's convictions in the aggregate amount of \$60 is imposed. In all other respects, we affirm the judgment. In B195316, we affirm the parole revocation order. We direct the trial court to prepare and amended abstract of judgment for both cases to reflect a total of three 1 year prior prison term enhancement only are imposed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B201719 People (Not for Publication)
v.
Powell

The judgment is affirmed.

Cooper, P.J.

We concur: Flier, J.
Bigelow, J.

B200657 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

DIVISION EIGHT (continued)

B203031 People (Not for Publication)
v.
Lyon

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B175361 People (Not for Publication)
v.
Juan Gutierrez

The enhancement for count two is stricken. The trial court is directed to issue an amended abstract of judgment omitting this enhancement and noting that the enhancement for count one imposed under Penal Code section 12022.53, subdivisions (d) and (e). In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B202195 Shiver
v.
Garber et al.,

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT (continued)

B200771 Future-Link Online, Inc.,
 v.
 Microsoft Corporation

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B195336 Elias Atallah
 v.
 Equilon Enterprises LLC

Filed order denying petition for rehearing.

B193358 Ivan Moore
 v.
 Leonard Lerner et al.,

Filed order denying petition for rehearing. I would grant rehearing, Bigelow, J.